

# The C A S E of *Richard Lewis*, Gent. Respondent,

To the APPEAL of *James Yates* and *Mary* his Wife, Appellants.

*Lewis Morgan, Esq;* (to whom the Respondent is his Executor and near Kinsman) had three Sisters, namely, *Mary*, (one of the Appellants) *Margaret* the Wife of *David Williams*, and *Elizabeth* the Wife of *John Jones*,

*Sheweth,*

That the Respondent, in *Michaelmas*-Term, 1699. exhibited his Bill in the high Court of Chancery, against as well the said Appellants, as against the said *David Williams* and *Margaret* his Wife, and *John Jones* and *Elizabeth* his Wife; by which Bill the Respondent prayed Relief against three several Bonds, each bearing Date the Second of *September*, 1675. and entred into by the said *Lewis Morgan* in his Minority to his said three Sisters (when sole) one whereof to the Appellant *Mary* for the Payment of 60 *l.* the other to the said *Margaret* for 80 *l.* and the other to *Elizabeth* for 60 *l.* more.

That the Respondent did also set forth in his said Bill, that the Appellants had sued their said Bond of 60 *l.* against this Respondent, as Executor to the said *Lewis Morgan*, and that by Mistake in the Pleading of *Solvit ad diem* (instead of *Demisage*) to the said Bond, did thereupon obtain a Verdict against the Respondent.

Will dated Nov.  
vemb. 1696

That the said Testator was seized in Fee of certain Lands in the County of *Brecon* and *Monmouth* of about the yearly Value of 120 *l.* and had contracted several Debts by Mortgage and otherwise, to the amount of 1200 *l.* and upwards, did by his Will in Writing, dated *November*, 1696. give and devise to the Respondent his Equity of Redemption and all his Real Estate whatsoever, and appointed the Respondent sole Executor of his last Will.

Codicil dated  
7th Feb. 1696

That after the making of the said Will, no Provision being made for the said three Sisters, who by ill Language, unbecoming and immodest Behaviour, had very much disoblged the said Testator, this Respondent and his Friends, at the Request of the Sisters, prevailed upon the said *Lewis Morgan* to permit the said three Sisters to come and visit him upon his Death-bed; and afterwards this Respondent's Friends, against the Inclination of the said Testator, by a Codicil, to be annexed to the said Will, dated the seventh of *February*, 1696. prevailed with the said Testator to give unto his said three Sisters the Sum of 15 *l.* per Annum a piece (*ultra reprizas*) payable quarterly to each of them; and, in case of the Death of any of them, then the Annuity of such dying Sister should be paid to the surviving Sisters, and shortly after the said Codicil was executed the said Testator died; after whose decease this Respondent proved the said Will in the high Court of Chancery, and shortly afterwards paid in Debts, Legacies and Funeral-Expences of the Testator to the amount of 1200 *l.* and upwards, besides the said Annuities paid and payable to the three Sisters, as aforesaid.

That the said three several Bonds so obtained from the Testator, were obtained by fraudulent Practices, during the Minority of the said Testator, and without any manner of consideration; and, from the time of the Testator's entring into the said three several Bonds to the time of his Death, being upwards of 21 Years, the said three Sisters never demanded of the Testator the said Money nor Interest due by the said three Bonds, but entirely depended upon his Courtesy and upon what Provision he would make for them.

Decree 26th of  
April, 1700

To which said Bill the said Appellants and the other Defendants put in their Answers, and divers Witnesses were examined in the said Cause; which Cause came on afterwards on the 26th Day of *April*, 1700. to be heard in the high Court of Chancery, in the Presence of Council learned on both Sides; and, upon a full Hearing, long Debate, and due Consideration of Proofs had on each Side in the said Cause, the said Court declared and were of Opinion, that the said Annuities of 15 *l.* per Ann' a piece, given by the Will of the said Testator to the said three Sisters, were in full satisfaction of the said three several Bonds entred into by the Testator; and therefore did order and decree, that the said Appellants and the said other Defendants should deliver up the said three several Bonds to this Respondent to be cancelled; and that Satisfaction should be acknowledged on Record of the said Judgment, obtained by the Appellants as aforesaid; and that a perpetual Injunction should be awarded, to stay all the Defendants further Proceedings at Law against this Respondent, touching the said Bonds: And it was further decreed, that this Respondent should pay the said three Sisters the said 15 *l.* per Annum a piece Annuities, and that the Testator's Estate should be therewith charged.

That the said *David Williams*, *Margaret* his Wife, *John Jones* and *Elizabeth* his Wife, were so very well satisfied with the Justice of the said Decree, that they, in obedience thereto, did actually sign and execute to this Respondent several Releases of their respective Claims in their said respective Bonds.

That this Respondent in some short time after the said Decree was pronounced, procured the same to be inrolled, yet the Appellants, pretending some Irregularities in the Inrolling thereof, did petition the right honourable the Lord-Keeper for a Re-hearing of the Cause; but his Lordship being well satisfied that the said Decree was regularly Inrolled, thought fit to discharge the said Appellants Petition.

And now the Appellants have brought their Appeal, and pray this honourable House will make void the said Decree.

But this Respondent doth humbly insist, that in respect the said three Bonds were entred into by the Testator in his Minority, without any consideration, and that no Demand either of Principal or Interest were made in the Testator's Life-time, who lived above 21 Years since the Bonds were executed, and that the said three Annuities (if such Bonds had been good) is more than an Equivalent for the same.

And also doth humbly insist, that the said three Annuities of 15 *l.* per Annum (*ultra reprizas*) including the 1200 *l.* Debts, Legacies and Funeral-Expences are near the full Value of the Estate given him by the Testator; the whole Estate being about 120 *l.* per Annum, a great part thereof being in Houses.

That this Respondent hath for a long time been harrassed by the Appellants both in Law and Equity and put to above 300 *l.* Charge, the Matter in dispute between the Appellants and this Respondent being only the said 60 *l.* Bond.

Wherefore this Respondent humbly prays, that the said Decree may be confirmed, and the said Appeal dismissed with exemplary Costs.

William Proger.

George Clive.